

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Cynthia Oyebanji,)	Case No.: 4:21-cv-02736-JD-TER
)	
Plaintiff,)	
)	
vs.)	
)	OPINION & ORDER
Palmetto Vacation Rentals, LLC, John Does)	
A to Z, Kurt Schultz, Sandra Schultz)	
)	
Defendants.)	
)	

This matter is before the Court with the Report and Recommendation of United States Magistrate Thomas E. Rogers, III (“Report and Recommendation”), made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(e) of the District of South Carolina.¹ Cynthia Oyebanji (“Oyebanji” or “Plaintiff”), proceeding *pro se*, brought this action in the United States District Court for the District of New Jersey alleging negligence based on a fall at a property owned by Defendants Kurt and Sandra Schultz (collectively with Defendants John Does A to Z “Defendants”) and managed by Defendant Palmetto Vacation Rentals, LLC.² (DE 21.)

On August 20, 2021, a district judge in the United States District Court for the District of New Jersey granted in part and denied in part defendant Palmetto Vacation Rentals, LLC’s Motion to Dismiss and transferred this action to the United States District Court for the District of South

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

² Plaintiff and Defendant Palmetto Vacation Rentals LLC, stipulated to dismissal as to this Defendant on January 31, 2022. (DE 56.)

Carolina. (DE 33 and 34.) On October 29, 2021, the Court's Text Order noted that Plaintiff's counsel of record was not admitted to practice before this Court and had not moved for *pro hac vice* admission. Counsel was given 10 days to obtain local counsel. (DE 42.) On November 20, 2021, the case was referred to the Magistrate Judge because no local counsel filed a notice of appearance and Plaintiff was proceeding *pro se*. (DE 46.)

Finally, on December 6, 2021, the Court issued an Order directing Plaintiff to provide summonses on three defendants: John Does A to Z, Kurt Schultz, and Sandra Schultz. (DE 50.) Plaintiff was given 45 days to submit the summonses. Plaintiff failed to respond within the time provided.

The Report and Recommendation was issued on February 3, 2022, recommending that the remaining Defendants be dismissed. (DE 58.)

Plaintiff filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Upon review of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein by reference.

It is, therefore, **ORDERED** that Defendants John Does A to Z, Kurt Schultz, and Sandra Schultz are dismissed without prejudice, and this action is dismissed.³

³ Because served Defendant Palmetto Vacation Rentals LLC and Plaintiff separately stipulated to dismissal as to that Defendant on January 31, 2022, the dismissal of the remaining defendants will close the case.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph Dawson, III". The signature is written in a cursive style with a horizontal line underneath the name.

Joseph Dawson, III
United States District Judge

March 16, 2022
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that she has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.